

**PROGRAMMATIC AGREEMENT AMONG
U.S. ARMY GARRISON FORT HUNTER LIGGETT,
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING OFF-ROAD VEHICLE MANEUVER MILITARY TRAINING AT
FORT HUNTER LIGGETT, CALIFORNIA**

WHEREAS, the U.S. Army Garrison, Fort Hunter Liggett (FHL) plans to carry out off-road vehicle maneuver training (the Undertaking) to support the Army Total Force Training Policy (ATFP) (Secretary of the Army 2012) integrating multiple branches of military units to train together in realistic scenarios; and

WHEREAS, the undertaking consists of the addition of off-road maneuver components which could include tracked vehicles, such as the M1A2 Abrams tanks and M2/M3 Bradley Fighting Vehicles, wheeled vehicles including Strykers and Medium Tactical Vehicles, and Engineer equipment including bulldozers and excavators participating in re-occurring exercises traveling across landscapes and trenching for establishing tank fighting positions, as well as obstacle breaching exercises; and

WHEREAS, FHL has defined the Area of Potential Effects (APE) is all lands within the designated Primary (Training Areas 12B, 15, 20, and 24) and Secondary (Training Areas 1, 2, 3, 7, 9, 16, 21, and 27) Maneuver Corridors of FHL, and lands adjacent to the designated corridors (including above mentioned training areas and Training Areas 12A and 12C as shown in Figure 1) encompassing approximately 56,000 acres in Monterey County, California; and

WHEREAS, FHL has surveyed approximately 35,000 acres of the APE, and identified 283 archaeological sites inside the Primary and Secondary Corridors, and an additional 158 sites outside the maneuver corridors but within the APE; and

WHEREAS, approximately 21,000 acres within the APE, but outside the Maneuver Corridors, have never been surveyed; and 8,200 acres of these unsurveyed areas adjacent to the Maneuver Corridors and suitable for off-road vehicle maneuvers; and

WHEREAS, FHL has determined that the undertaking may have a cumulative adverse effect on historic properties which are listed in or eligible for listing in the National Register of Historic Places (NRHP), unless protection, monitoring, and mitigation measures are implemented, and has consulted with the California State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, there are no federally-recognized Indian tribes for which the lands occupied by FHL have religious and cultural significance; and

WHEREAS, FHL has consulted with the Salinan Indians, a non-federally recognized tribe whose ancestral homelands is on FHL, including Mary Rodgers (Salinan/Ohlone), Donna Haro (Xolon Salinan), Frederick Segobia (Salinan Tribe of Monterey and San Luis Obispo

Counties), Jose Freeman (Salinan Nation Cultural Preservation Association), Gregg Castro (Salinan Nation Cultural Preservation Association), Francine Martinez (Xolon Salinan), and Patti Dutton (Salinan Tribe of Monterey and San Luis Obispo Counties) regarding the effects of the undertaking on historic properties and has invited them to participate in the development of this PA; and

WHEREAS, FHL has consulted with other interested parties including Dr. Robert Hoover (Friends of the Historic San Antonio Mission), Dennis Palm (San Antonio Valley Historic Association), Carol Kenyon (Friends of the Historic San Antonio Mission), Ann Beckett (San Antonio Valley Historical Association), William Bartosh (San Antonio Valley Historical Association), and Sue Raycraft (San Antonio Valley Historical Association) regarding the effects of the undertaking on historic properties and has invited them to participate in the development of this PA; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FHL has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the development of a PA, in accordance with 36 CFR § 800.14(b)(3), was determined appropriate for this complex Undertaking in order to allow for a phased approach to evaluate historic properties and to resolve and mitigate identified adverse effects in conjunction with the establishment of off-road vehicle maneuver areas, and to provide adequate and continued Section 106 analysis for future training events recognizing the difficulty of effectively protecting properties within an intense training environment and that directly, indirectly, or cumulatively effect historic properties; and

WHEREAS, IAW 36 CFR 800.2(d), FHL has conducted additional public outreach about the proposed undertaking through the notification and publication on March 23, 2016, of an Environmental Assessment as required under the National Environmental Policy Act (NEPA); and

NOW, THEREFORE, FHL, SHPO, and ACHP agree that this Agreement shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertakings on historic properties.

STIPULATIONS

FHL shall ensure that the following measures are carried out:

I. ROLES AND RESPONSIBILITIES

- A. The Cultural Resource Manager (CRM) is the position at the Army that is responsible for directing, planning, and administering Army's Cultural Resources Management program at FHL; providing professional and technical advice to Army staff and command; directing the CRM internally, and with external agencies, organizations, and the public; and planning and developing the Army's cultural resource inventory, evaluation, and enhancement program. The CRM and/or any person delegated the responsibilities of the CRM, shall meet the professional standards established for either archaeologist or historian in the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (45 FR 44738-44739).
- B. The Commanding Officer, FHL, has designated an FHL Cultural Resource Manager (CRM) with the authority to implement this PA on the Commanding Officer's behalf and to conduct any coordination and consultation with SHPO and the Council, and additional consulting parties which may be required by this PA. Routine and regular implementation of this PA may be delegated by the CRM to other government employees and contractors in accordance with this PA.

II. EXEMPTIONS AND UNDERTAKINGS

- A. Exempted undertakings, as listed in Appendix 1, require no further consultation under Section 106 of the NHPA.
- B. During the implementation of an exempted undertaking, vehicles and aviation assets are not permitted within the perimeter of protected properties, listed in Appendix 2, except for travel on existing roads which may traverse through sites.
- C. Exempted activities in this agreement apply only to areas within the Area of Potential Effect. All other undertakings outside the APE will require review and coordination under Section 106 of the NHPA in accordance with 36 CFR §800.3 through 800.7.
- D. FHL shall follow the Section 106 process in accordance with 36 CFR § 800.3 through 800.7 to address non-exempted undertakings within the APE of this Agreement.

III. EVALUATION OF CULTURAL RESOURCES

A. Eligibility Status

1. FHL shall treat all inventoried properties as potentially eligible (or eligible if determined), for listing on the NRHP, unless a determination of ineligibility has been made by FHL and concurred upon by SHPO IAW 36 CFR 800.4(c)(2).
2. FHL shall evaluate inventoried properties for eligibility, as defined in 36 CFR § Part 800.4, to determine if properties within the APE are eligible or ineligible for listing on NRHP. Evaluation measures may include subsurface testing to determine site integrity, and horizontal and/or vertical boundaries of the property, and shall be conducted following the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Evaluation reports shall be submitted to the SHPO for concurrence on the FHL's determination of eligibility for listing on the NRHP.
3. If SHPO does not respond with concurrence or non-concurrence on the determinations of NRHP eligibility within 30 calendar days of receipt, FHL shall contact the SHPO once again for its concurrence or non-concurrence before proceeding with final determinations of eligibility.
4. Disputes regarding NRHP eligibility will be forwarded to the Keeper of the National Register for decision in accordance with 36 CFR § Part 63.

B. Historic Properties Inventory

1. FHL shall continue conducting inventory of unsurveyed areas on the Installation by prioritizing lands suitable for off-road vehicle maneuver under 30% slope adjacent to the Maneuver Corridors, but within the APE, as shown in Figure 2 (approximately 8,200 acres). Completed inventory reports shall be submitted to the SHPO within 180 days of completion, or other agreed upon time frame between USAG and SHPO. Historic properties identified in the new surveys shall be evaluated per Stipulation III (A).
2. The additionally surveyed lands within the APE may be opened for new maneuver training area, to expand the Maneuver Corridors, after inventories are submitted to and concurred upon by the SHPO, and protection measures are implemented following Stipulation IV. The Maneuver Corridor area maps shall be amended and reported following Stipulation IX.
3. If training plans change, FHL may alter survey strategies as appropriate and the SHPO shall be notified of changes in survey strategies

IV. PROTECTION OF CULTURAL RESOURCES

A. FHL shall implement the following protection measures as appropriate for the undertakings managed under this PA. When these protection measures are effectively applied, FHL will have taken into account the effect of these undertaking on historic properties.

1. High protective measures, defined as site capping or site hardening, may be installed where protected properties are located within high traffic maneuver areas, and where standard protective measures may limit the availability of terrain for training. Site capping or hardening shall follow recommendations described in Defense Legacy Project #06-303, Best Management Practices for Hardening Archeological Sites on DoD Lands (Appendix 3).
2. Standard protective measures, defined as a combination of boulders, fencing, stakes and/or signage, may be installed where protected properties are located in areas not protected by terrain, and where wheeled and tracked vehicles are expected to utilize that terrain.
3. Nominally protective measures, defined as a combination of fencing, staking, cone placement, and/or signage, shall be installed where protected properties are located in terrain-protected areas not likely to allow wheeled and tracked vehicle access, except insofar as in the judgment of FHL that the protected resource is better served by solely maintaining the geospatial location within the Army database of record and linked geographic information system (GIS) instead of physically marking the site location on the ground.
4. Administrative protective measures, defined as providing protection to one or more properties within a given area, normally through access or activity restriction. Protected properties under this measure are generally not marked, although a combination of fencing, staking, and/or signage may be applied. Most properties protected by this method are in the Stony Valley area where off-road vehicle use is not authorized.

B. FHL shall propose amending listings of site protection measures (Appendix 2) in response to new information or changes in technological capabilities in the Annual Report (Stipulation IX).

C. Except for the purpose of emergency undertakings for immediate rescue and salvage operations conducted to preserve life and property, no vehicle of any kind may be operated within the perimeter of standard, nominally, or administratively protected properties, except for travel on existing roads which may traverse through sites. If there is an emergency response activity within these areas, it shall be included in the Annual Report.

D. FHL may provide training aircraft and vehicles that are equipped with a Global Positioning System a means of knowing the locations of protected areas, to indicate training constraints located within their training footprint. The confidentiality of specific archaeological site data may be protected per 36 CFR § 800.11(c).

V. MONITORING AND INSPECTION

A. FHL shall monitor with a subject matter expert and/or inspect protected properties periodically to confirm the adequacy of the protection measure employed. Site monitoring documentation shall minimally include forms to document conditions and ongoing effects, if any, from training, operational support, or unauthorized entry. Protected properties shall be reported per Stipulation IX.

B. FHL shall inspect protected properties within the APE after each exercise (or series of exercises if back-to-back). The inspection will occur within 60 calendar days following the exercise (s). For protected properties impacted by training, the site documentation shall document conditions, and FHL will consult as necessary, to resolve for adverse effects in accordance with 36 CFR § 800.6(b).

C. FHL shall notify SHPO within 72 hours following notification to the Cultural Resources Manager (CRM) of a breach or impact to a protected property.

VI. CULTURAL RESOURCES AWARENESS

FHL shall conduct cultural resources awareness training for personnel involved in the execution of undertakings within the APE on an annual basis. Contents of the training shall be summarized in the Annual Report.

VII. DURATION

This PA shall remain in effect for a period of five (5) years following execution by all signatory parties and shall automatically terminate and have no further force or effect at the end of this five year period unless it is terminated prior to that time or unless it is superseded by an amended PA. Not later than six months prior to the termination date of this PA, the Army shall initiate consultation with the other signatory parties to determine if this PA should be allowed to terminate automatically or whether it should be extended for an additional term, with or without amendments, as the signatory parties may determine. Unless the signatory parties unanimously agree through such consultation on an alternative to automatic termination of this PA, this PA shall automatically terminate and have no further force or effect in accordance with the timetable stipulated herein.

VIII. POST-REVIEW DISCOVERIES

If properties are discovered that may be historically significant or unanticipated effects on historic properties are found, FHL will terminate actions in the vicinity of the property, determine the geographic bounds of the property, and will take all reasonable measures to avoid or minimize harm to the property until consultation with the SHPO regarding the eligibility and effects of the undertaking can be determined.

IX. MONITORING AND REPORTING

A. FHL shall prepare an Annual Report (period covered October 1st through September 30th), distributed electronically to SHPO and Consulting Parties, no later than November 15th of each year during the implementation of this Agreement. FHL shall report the following information or similar:

1. Information describing the progress made in implementing the terms of this Agreement identified in Stipulations II, III, IV, V, and XIII;
2. Summary of the exempted undertakings, other than training, which were executed within the APE;
3. Summary of maneuver training exercises conducted during the annual report period, and any planned or scheduled for the next reporting period.
4. The status of cultural resources awareness training, per Stipulation V.I;
5. Inadvertent entry and/or effects identified through monitoring and/or inspection, to include actions taken to resolve any adverse effects;
6. Actions taken for the purpose of immediate rescue and salvage operations conducted to preserve life or property within a protected property per Stipulation IV.C;
7. Issues raised by an interested party in the reporting period;
8. Updated listings of protected cultural resources and site protection measures;
9. New inventory reports and amended Maneuver Corridor maps; and
10. Acknowledgment of, and mitigation strategies for, cumulative effects not previously identified.

B. FHL shall make available to the public the Annual Report on its website, and that interested members of the public are invited to provide comments to the FHL.

X. DISPUTE RESOLUTION

A. If a signatory to this Agreement objects to the manner in which stipulations are adhered to or implemented, FHL shall consult with the party regarding the objection.

B. If FHL determines that an objection cannot be resolved, FHL shall forward to ACHP all relevant documentation, including a proposed resolution. ACHP shall advise FHL within 30 calendar days of receiving adequate documentation, and which FHL will take into account in making its final decision.

C. If ACHP fails to advise within 30 calendar days, FHL may make a final decision on the dispute and proceed accordingly, providing to all parties a written response to the objection that takes into account timely comments.

D. FHL's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

XI. AMENDMENTS

This Agreement may be amended or extended by written agreement of all signatories. Amendments will be effective on the date of the last authorizing signature. Updates to Figure 2 and Appendix 2 with the results of completed inventories, evaluations, and eligibility determinations does not require a formal amendment but will be proposed during annual reporting and adopted through written concurrence between FHL and SHPO.

XII. TERMINATION

A. If any signatory to this PA determines that its terms will not or cannot carry be carried out, that party shall immediately consult with other signatories to attempt to develop an amendment per Stipulation XI, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.

B. IAW 36 CFR 800.6(c)(8), once the PA is terminated, and prior to work continuing on the undertaking, FHL must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FHL shall notify the signatories as to the course of action it will pursue.

XIII. ANTI-DEFICIENCY ACT

Federal obligations under this Agreement are subject to the availability of appropriated funds, as mandated by the Anti-Deficiency Act (31 USC §1341). FHL will make reasonable and good faith efforts to secure funds necessary to promptly implement this Agreement in its entirety. If compliance with the Anti-Deficiency Act impairs or precludes its ability to implement this Agreement, FHL will consult with the other signatories, in accordance with Stipulations VII.C of this Agreement.

XIV. EXECUTION

Execution of this Agreement by FHL, the SHPO, and the ACHP and implementation of its terms evidence that FHL has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

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AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING OFF-ROAD VEHICLE MANEUVER MILITARY TRAINING AT
FORT HUNTER LIGGETT, CALIFORNIA**

SIGNATORIES:

COLONEL JAN C. NORRIS
COMMANDING
US Army Garrison Fort Hunter Liggett

DATE

JULIANNE POLANCO
California State Historic Preservation Officer

DATE

JAMES FOWLER
Executive Director
Advisory Council on Historic Preservation

DATE

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CALIFORNIA**

Figures:

1. Area of Potential Effect (APE)
2. Unsurveyed Areas and Slope with the APE

Appendices:

1. Exempted Undertakings
2. Protected Properties and Monitoring/Inspection Frequency
3. Defense Legacy Project #06-303, Best Management Practices for Hardening Archeological Sites on DoD Lands

FIGURE 1

Area of Potential Effect (APE)

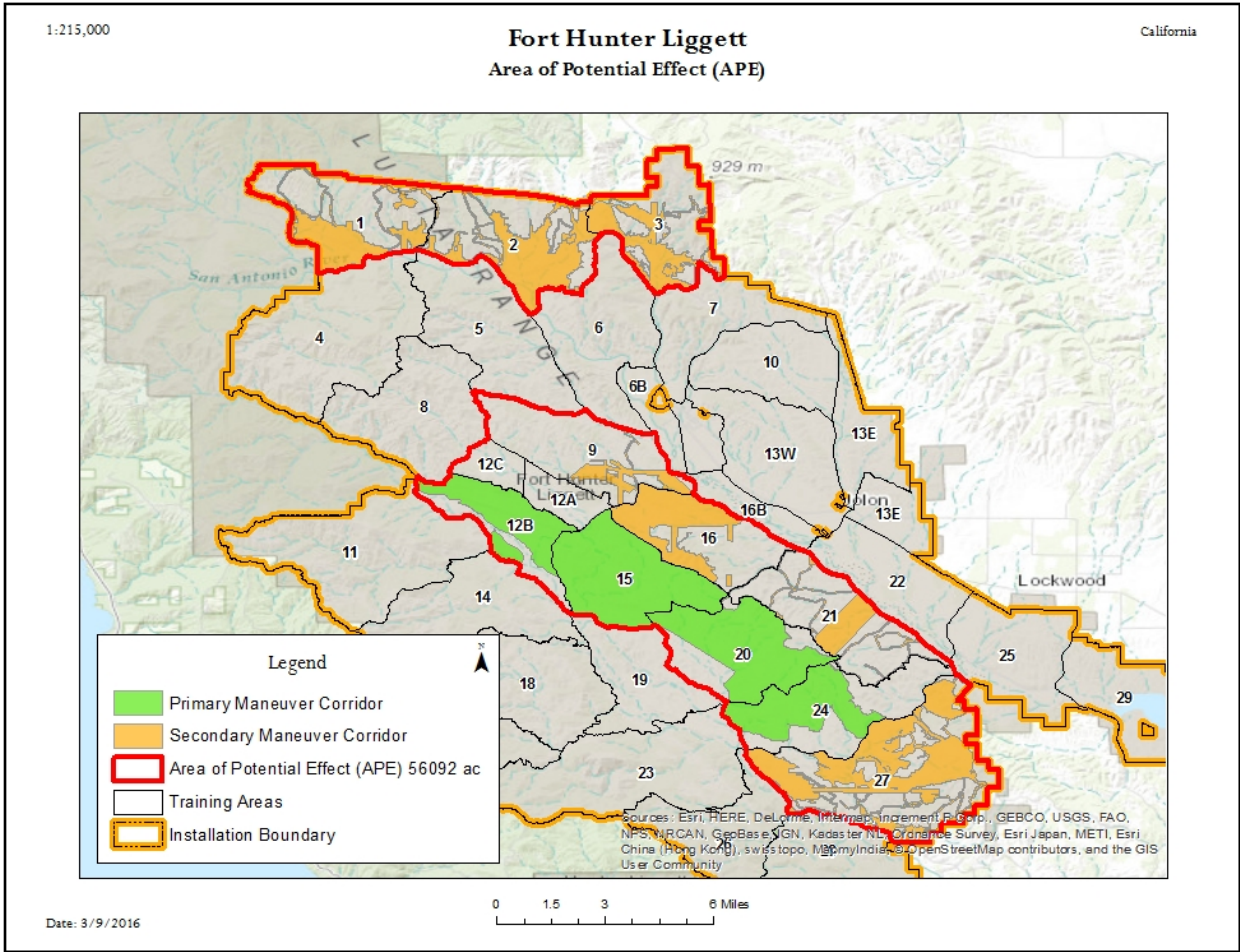
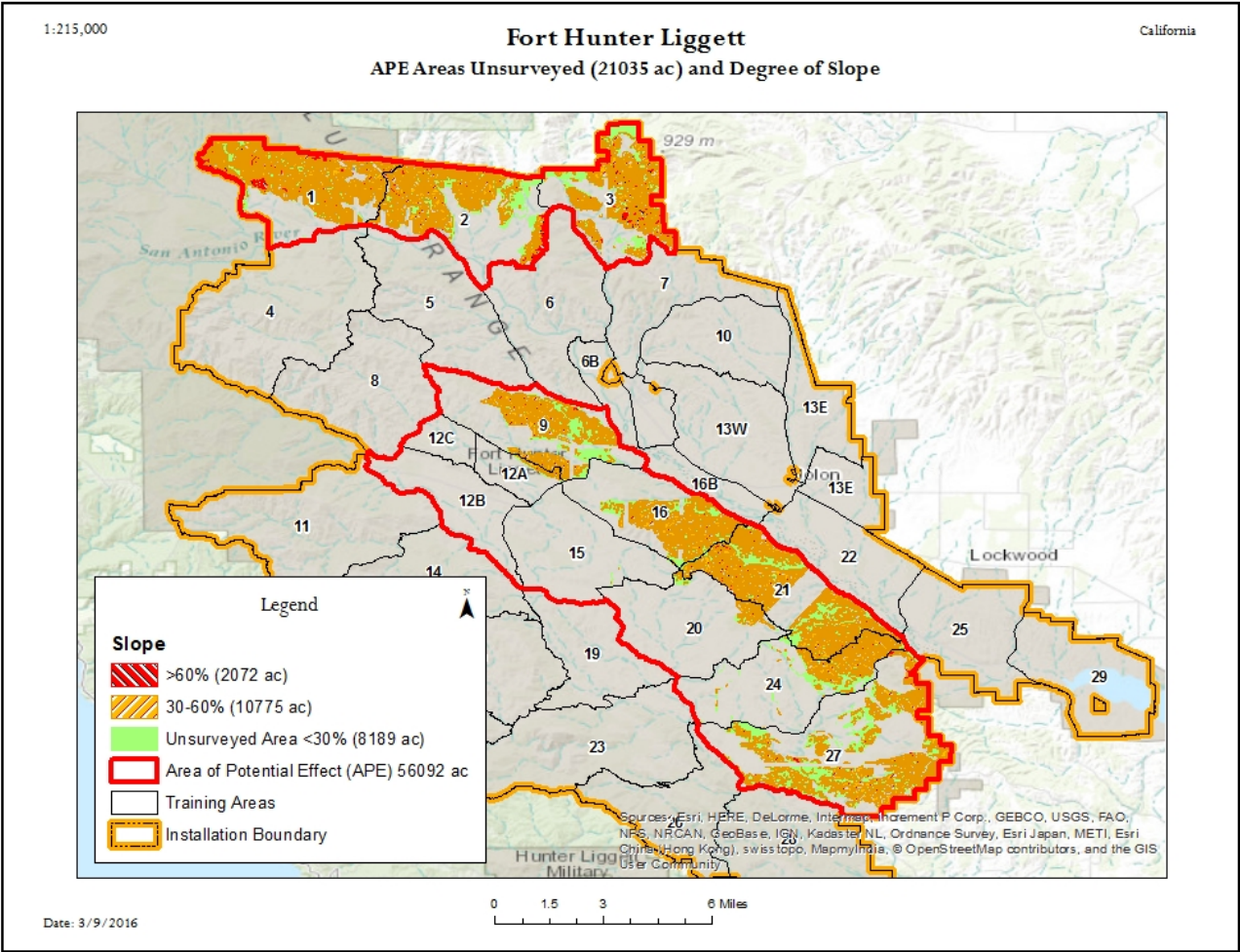


FIGURE 2

APE Unsurveyed Area and Slope



APPENDIX 1

Exempted Undertakings

Primary and Secondary Maneuver Corridors: Comprises the lands used to support off-road vehicle maneuver training identified in Figure 1.

The categories of undertakings listed below have been determined by FHL, SHPO, and ACHP to meet the criteria for exemption in the APE:

A. Training Activities

1. Heavy and Light Vehicle Maneuver training. This category involves activities associated with the movement of personnel and vehicles across the landscape, outside known historic properties, according to the requirements of a training exercise. This includes the use of all vehicle types (tracked and wheeled).
2. Live fire training. This category involves the use of military and commercial munitions landing anywhere throughout a calculated surface danger zone for that munitions and weapon type where historic properties are not targeted or at risk. Munitions are fired from a variety of weapon systems and mobility platforms, as well as thrown by hand and explosive ordnance disposal of munitions residue (for training only).
3. Excavation training. This category involves intentional ground-disturbing excavation as a type of military training that is outside known historic properties. Ground disturbance may occur as needed during simulated combat or as part of an engineered dig exercises. Trenches as obstacles and/or vehicle fighting emplacements, individual fighting positions, bivouacs, and borrow pits to construct berms are common training activities that require excavation.
4. Dismounted training. This category involves personnel moving on foot across the landscape possibly through historic properties. Ground vehicles movement and/or helicopter landing/take-off can occur for the purpose of dropping off or picking up dismounted personnel if outside the boundary of historic properties.
5. Aviation training. This category involves rotary or fixed-wing aircraft flying over these areas at both high and low levels, and personnel parachute training. Helicopter landing/take-off can occur for the purpose of dropping off or picking up dismounted personnel and equipment if outside the boundary of historic properties.

B. Operational support activities. This category involves routine maintenance and repair, and land management activities outside historic properties required to actively support training and manage/sustain the land for continued use. The types of activities that fall within this category of exempted undertakings includes the following or similar:

1. Routine maintenance and repair as follows:

- a) Maintenance, repair, and related activities on existing non-historic facilities, buildings, roads, structures, and infrastructure.
- b) Installation of equipment (e.g. target lifters, trailers, containers, vehicle bodies), that is temporarily placed on the landscape rather than constructed.

C. Land Management as follows:

- a) Maintenance, repair, rehabilitation, restoration, and placement of structures and other equipment to support wildlife management, control soil erosion, sediment build up, storm run-off, re-vegetation, and bank sloping of gullies and ravines.
- b) Grounds maintenance activities associated with maintaining a training or habitat landscape; i.e., mowing, planting, vegetation removal, prescribed burning, dust control, suppression of invasive plant species and pests.
- c) Operation of public hunting/fishing/firewood programs and other outdoor recreation activities where no off-road vehicles or excavations are conducted.

APPENDIX 2 REDACTED
Protected Properties and
Monitoring/Inspection Frequency

Legend

Site Type: H (Historic/Post-European Contact), P (Prehistoric/Pre-European Contact)

Determination of Eligibility: NR (National Register Listed); NRE (National Register Eligible), U (Eligibility Undetermined, property managed as potentially eligible); DNE (Determined Not Eligible)

Protection Measure: H (High), S (Standard), N (Nominally), and A (Administrative)

APPENDIX 3

Defense Legacy Project #06-303

2007. Wagner, H., Rush, L., and Ian Warden. *Protecting the Past to Secure the Future: Best Management Practices for Hardening Archeological Sites on DoD Lands*. Department of Defense; and Center for Environmental Management of Military Lands, Colorado State University.

Available online at: http://www.denix.osd.mil/cr/upload/06-303_Handbook.pdf

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